

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff(s),

vs.

ANTWAN FORTENBERRY,

Defendant(s).

Case No. 2:14-cr-00387-JAD-NJK

ORDER

Pending before the Court is Defendant's motion to suppress. Docket No. 33. The Court began an evidentiary hearing on that motion on May 6, 2015, and continued that hearing to today at 11:00 a.m. Docket No. 66. Earlier today, the Court ordered defense counsel to file a notice by 10:30 a.m. if she believes that she lacks the necessary discovery to move forward competently with the evidentiary hearing. Docket No. 67. Rather than filing such a notice, defense counsel filed a motion for production of text messages and emails that were transmitted concerning the investigation that resulted in Defendant's arrest. Docket No. 68. The Court construes the filing of this motion as a notice that defense counsel believes further discovery is required prior to resumption of the evidentiary hearing on the motion to suppress. Accordingly, the Court concludes that it is in the interest of justice to continue the evidentiary hearing and it is hereby VACATED. The Court will reschedule the evidentiary hearing through a future order.

As noted above, Defendant has filed a motion for production of text messages and emails. Docket No. 67. The Court hereby ORDERS that Defendant file, no later than 2:00 p.m. on May 8, 2015,

1 any and all other discovery-related motions that defense counsel believes bear in any way on her ability  
2 to proceed with the evidentiary hearing on the motion to suppress. When the Court does resume the  
3 evidentiary hearing, that proceeding will be limited to an evidentiary hearing on the motion to suppress.  
4 The Court will not entertain any oral motions related to discovery or otherwise transform that proceeding  
5 into a discovery hearing.

6 With respect to the pending motion for production (Docket No. 68) and any other discovery-  
7 related motion(s) filed per the previous paragraph, the Government's response shall be filed no later than  
8 noon on May 13, 2015 and any reply shall be filed no later than noon on May 15, 2015.

9 IT IS SO ORDERED.

10 DATED: May 7, 2015

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13 NANCY J. KOPPE  
14 United States Magistrate Judge  
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